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ALBERTO SOTO JR.  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.  
14

15 ALBERTO SOTO JR.,

16 Defendant.  
17

Case No. 1:20-mj-00089-SAB

STIPULATION TO MODIFY CONDITION OF  
PROBATION PURSUANT TO 18 U.S.C.  
§ 3563(C); ORDER

18 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
19 counsel, Assistant United States Attorney Alexandre Dempsey, counsel for the plaintiff, and  
20 Assistant Federal Defender Erin Snider, counsel for Alberto Soto, Jr., that the Court may modify  
21 condition 4 to excuse payments in December 2022 and January 2023 and reduce the total  
22 financial obligation owed to \$1,640.00.

23 On May 19, 2022, Mr. Soto admitted to violating the conditions of his probation by  
24 failing to pay his fine. *See* ECF #25. This Court sentenced Mr. Soto to 24 months of  
25 unsupervised probation, with the condition that he pay an \$1,800 fine and a \$10 special  
26 assessment for a total financial obligation of \$1,810. *See* ECF #26. The Court set a payment  
27 schedule of \$85 per month, beginning June 15, 2022. *See id.* The Court set a review hearing for  
28 November 16, 2023. *See id.*

1 Mr. Soto made payments in June, July, August, September, October, and November  
 2 2022. *See* Ex. A at 4. However, on December 11, 2022, he was involved in a car accident, during  
 3 which he totaled his car. Having lost his means of transportation, Mr. Soto was unable to go to  
 4 work for two weeks. In addition to losing income as a result of his car accident, Mr. Soto, who is  
 5 a fieldworker, has suffered reduced work hours due to the recent storms. In light of these changes  
 6 to his financial situation, Mr. Soto has been unable to make a payment in December 2022 and  
 7 will not be able to make his January 2023 monthly payment. He anticipates that he will have  
 8 financially recovered by February 2023 and will be able to recommence monthly payments then.

9 In light of the change in Mr. Soto's financial circumstances, the parties jointly request  
 10 that the Court modify condition 4 of Mr. Soto's probation to excuse monthly payments for  
 11 December 2022 and January 2023. The parties further request that the Court reduce the total  
 12 financial obligation owed by \$170.00—the amount Mr. Soto would have paid in December 2022  
 13 and January 2023 had he not experienced financial hardship. The parties agree that extinguishing  
 14 those payments, rather than extending probation for two months to allow Mr. Soto to make up  
 15 the missed payments, is reasonable and fair given that Mr. Soto made monthly payments up until  
 16 his car accident and timely notified counsel of the change in his financial condition. An  
 17 extension of probation would amount to punishing Mr. Soto for his financial hardship, which  
 18 neither party believes appropriate under the circumstances.

19 In light of the foregoing, the parties request that the Court modify condition 4 to excuse  
 20 monthly payments for December 2022 and January 2023 and reduce the total financial obligation  
 21 to \$1,640.00. Mr. Soto waives his right to a hearing on the modification of the terms of  
 22 probation.

23 Respectfully submitted,

24  
 25 PHILLIP A. TALBERT  
 United States Attorney

26 Date: January 12, 2023

27 /s/ Alexandre Dempsey  
 ALEXANDRE DEMPSEY  
 Assistant United States Attorney  
 Attorney for Plaintiff

HEATHER E. WILLIAMS  
Federal Defender

Date: January 12, 2023

/s/ Erin Snider  
ERIN SNIDER  
Assistant Federal Defender  
Attorney for Defendant  
ALBERTO SOTO, JR.

**ORDER**

**IT IS SO ORDERED.** Pursuant to 18 U.S.C. § 3563(c), the Court hereby modifies condition 4 as follows:

4. The defendant shall pay a fine of \$1,630.00 and a special assessment of \$10.00 for a total financial obligation of \$1,640.00 with monthly payments of \$85.00 commencing on 6/15/2022 and each month thereafter by the 15th of the month until paid in full. *The defendant is excused from making monthly payments in December 2022 and January 2023 in light of a change in his financial circumstances. The defendant shall resume making monthly payments on February 15, 2023.*

All other conditions previously imposed remain in full force and effect.

IT IS SO ORDERED.

Dated: **January 13, 2023**

  
UNITED STATES MAGISTRATE JUDGE